

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BIAGIO STRAGAPEDE,)	
)	
)	Case No. 12-cv-08879
Plaintiff,)	
)	Hon. Edmond E. Chang
vs.)	
)	
CITY OF EVANSTON,)	
)	
Defendant.)	

**PLAINTIFF’S SECOND MOTION
TO FILE EXHIBITS UNDER SEAL**

Now comes the Plaintiff, Biagio Stragapede, by his attorneys, Tracy E. Stevenson and Robbins, Salomon & Patt, Ltd., and for his second motion to file exhibits under seal pursuant to Northern District of Illinois Local Rule 26.2(b) and (c), as well as FED.R.CIV.P. J.2 and 26(c)(h), moves this Honorable Court for an order allowing him to file, under seal, various exhibits introduced at trial supporting plaintiff’s claim and in furtherance of tender to the Appellate Court of these exhibits. In support of this motion, plaintiff states as follows:

1. Between March 9 and March 13, 2015, this court heard evidence in the jury trial portion of this case. A jury verdict was entered in favor of plaintiff on March 13, 2015. (Record at 127). Following a hearing on the equitable remedies, this District Court issued its opinion and entered judgment on August 28, 2015 in favor of plaintiff.

2. In each instance, various exhibits were introduced into evidence by the plaintiff including exhibits related to plaintiff’s medical condition, plaintiff’s doctors’ appointments and medical records, as well as plaintiff’s personal information regarding various tax returns, bank accounts, paychecks, and summaries of same.

3. On February 19, 2016, the defendant, City of Evanston, filed a Notice of Appeal of all of the issues currently before the court, including the appeal of the jury's verdict and the court's bench verdict on additional damages.

4. In furtherance of defending that appeal, various exhibits are required to be submitted and entered into the United States District Court docket for preparation by the Clerk of the United States District Court of the Record on Appeal to the Seventh Circuit Court of Appeals.

5. Based upon the sensitive nature of the information contained within the personal financial records of the plaintiff, and plaintiff's desire to keep the information confidential, as well as plaintiff's personal medical information and plaintiff's desire to keep his personal medical information confidential, plaintiff respectfully requests that this court enter an order allowing plaintiff to file certain trial exhibits under seal with access limited to the court, the attorneys of record, and the parties to this case, as well as the Appellate Court.

6. Plaintiff further requests that the court prohibit access to any person not identified above to access such records or to publish or otherwise view those records in any manner other than in these proceedings or any further appeal thereof and specifically seeks to preclude members of the public to said private information.

7. Defendant will not be prejudiced by an order allowing these records to be filed under seal because it will nevertheless have full access to the records. In accordance with FED.R.CIV.P. 26 and L.R. 26, Plaintiff shall file concurrently herewith redacted records with the Court.

8. The exhibits in question which plaintiff seeks to file under seal are as follows: Plaintiff's personal medical records, including Plaintiff's Exhibits 2, 3, 4, 5, 6, 7, 10, 11, 12, 15,

16, 17, 18, 30, 31, 32, 35, 54, 57, 58, 59, 60, 62, 63, 64, 70, 79 and 97; documents which reference Plaintiff's medical condition including Plaintiff's Exhibits 13, 14, 40, 48, 54, 90, and 92. True and correct copies of these documents are attached hereto, unredacted and filed under seal as Exhibit A.

9. For purposes of saving time and expense and due to the voluminous nature of the financial records, Plaintiff submits redacted copies of certain exhibits in the form of first and last pages of the exhibit in question with Bates Numbers included.

10. Further, the Plaintiff seeks to file under seal his personal paychecks, tax returns, disability statements, COBRA statements, Blue Cross Blue Shield records, W-2's, personal statements of retirement fund benefits, banking statements, payroll records, and summary of these documents. These documents are found at Plaintiff's Supplemental Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25. True and correct copies of these documents are attached hereto, unredacted and filed under seal as Exhibit B.

11. In furtherance of the Local Rules, on March 2, 2016, counsel for plaintiff conferred with counsel for defendant regarding the desire to file the personal medical and financial information of Mr. Stragapede under seal, and counsel has no objection to this motion and the filing under seal of the above-referenced documents.

12. On March 14, 2016, this Court denied without prejudice [Doc. 224] plaintiff's original motion [Doc. 199] to file exhibits under seal. The deficiencies which caused the Court to deny the motion have now been corrected.

WHEREFORE, Plaintiff respectfully requests, pursuant to Local Rule 26.2 and Fed.R.Civ.P. 26, that this court enter an order granting him leave to file, under seal, the above-

referenced trial exhibits to protect the personal, medical, and financial information of plaintiff herein.

/s/ Tracy E. Stevenson
Tracy E. Stevenson
Robbins, Salomon & Patt, Ltd.
Counsel for Plaintiff
180 N. LaSalle Street, Suite 3300
Chicago, IL 60601
312-782-9000
email: tstevenson@rsplaw.com